

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNESS ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	11998.5USC6
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

---

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV372670459US

Date of Deposit: March 26 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/880,576 filed on June 13, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

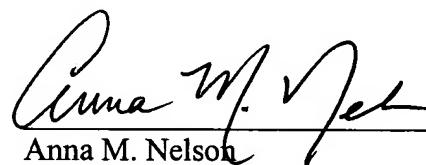
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

Date March 26, 2004



Anna M. Nelson  
Reg. No. 48,935  
AMN:PLStdM



FORM 1449* <b>INFORMATION DISCLOSURE STATEMENT</b>			Docket Number: 11998.5USC6	Application Number: NEW FILING
IN AN APPLICATION (Use several sheets if necessary)			Applicant: ALFERNESS ET AL.	
			Filing Date: HEREWITH	Group Art Unit: UNKNOWN

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,983,863	10/05/1976	Janke et al.			
	4,048,990	09/20/1977	Goetz			
	4,403,604	09/13/1983	Wilkinson et al.			
	4,428,375	01/31/1984	Ellman			
	4,567,900	02/1986	Moore			
	4,630,597	12/23/1986	Kantrowitz et al.			
	4,690,134	09/01/1987	Snyders			
	4,821,723	04/18/1989	Baker, Jr. et al.			
	4,878,890	11/07/1989	Bilweis			
	4,936,857	06/26/1990	Kulik			
	4,957,477	09/18/1990	Lundback			
	4,973,300	11/27/1990	Wright			
	4,976,730	12/11/1990	Kwan-Gett			
	5,057,117	10/15/1991	Atweh			
	5,087,243	02/11/1992	Avitall			
	5,131,905	07/21/1992	Grooters			
	5,150,706	09/29/1992	Cox et al.			
	5,186,711	02/16/1993	Epstein			
	5,192,314	03/09/1993	Daskalakis			
	5,256,132	10/26/1993	Snyders			
	5,290,217	03/01/1994	Campos			
	5,356,432	10/18/1994	Rutkow et al.			
	5,383,840	01/24/1995	Heilman et al.			
	5,385,156	01/31/1995	Oliva			
	5,429,584	07/04/1995	Chiu			
	5,507,779	04/16/1996	Altman			

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> <small>(Use several sheets if necessary)</small>			Docket Number: 11998.5USC6	Application Number: NEW FILING
			Applicant: ALFERNESS ET AL.	
			Filing Date: HEREWITH	Group Art Unit: UNKNOWN

	5,524,633	06/11/1996	Heaven et al.			
	5,603,337	02/18/1997	Jarvik			
	5,647,380	07/15/1997	Campbell et al.			
	5,702,343	12/30/1997	Alfernness			
	5,713,954	02/03/1998	Rosenberg et al.			
	5,800,528	09/01/1998	Lederman et al.			
	6,076,013	06/2000	Brennan et al.			
	6,077,218	06/20/2000	Alfernness			
	6,085,754	07/2000	Alfernness et al.			
	6,123,662	09/26/2000	Alfernness et al.			
	6,126,590	10/03/2000	Alfernness			
	6,165,121	12/26/2000	Alfernness			
	6,165,122	12/26/2000	Alfernness			
	6,169,922 B1	01/2001	Alfernness et al.			
	6,174,279 B1	01/2001	Girard			
	6,370,429 B1	04/2002	Alfernness et al.			
	6,375,608 B1	04/23/2002	Alfernness			
	6,416,459 B1	07/09/2002	Haindl			
	6,537,203 B1	03/25/2003	Alfernness et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 295 17 393 U1	03/14/96	Germany (English Language)				
	DE 295 17 393 U1	03/14/96	Germany (German Language)				
	EP 0 280 564	08/31/88	EP				
	JP 01-145066	06/07/89	Japan			Abstract Only	
	JP 60203250	10/14/85	Japan			Non	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* <b>INFORMATION DISCLOSURE STATEMENT</b>			Docket Number: 11998.SUSC6	Application Number: NEW FILING
IN AN APPLICATION (Use several sheets if necessary)			Applicant: ALFERNESS ET AL.	
			Filing Date: HEREWITH	Group Art Unit: UNKNOWN

						certified	
	WO 98/29401	07/09/98	PCT				
	WO 98/58598	12/30/98	PCT (English Language)				
	WO 98/58598	12/30/98	PCT (German Language)				
	SU 1009457 A	04/07/83	Russia			Non certified	

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

		Capouya, et al., "Girdling Effect of Nonstimulated Cardiomayoplasty on Left Ventricular Function," <u>The Society of Thoracic Surgeons</u> , <u>56</u> :867-871 (1993)
		Cohn, "The Management of Chronic Heart Failure", <u>The New Eng. J. of Med.</u> , <u>335</u> (7): 490-498 (August 15, 1996)
		Kass et al., "Reverse Remodeling From Cardiomayoplasty in Human Heart Failure, External Constraint Versus Active Assist", <u>Circulation</u> <u>91</u> (9): 2314-2318 (May 1, 1995)
		Levin et al., "Reversal of Chronic Ventricular Dilation in Patients With End-Stage Cardiomyopathy by Prolonged Mechanical Unloading", <u>Circulation</u> <u>91</u> (11): 2717-2720 (June 1, 1995)
		Oh et al., "The Effects of Prosthetic Cardiac Binding and Adynamic Cardiomayoplasty in a Model of Dilated Cardiomyopathy," <u>J. Thorac. Cardiovasc. Surg.</u> , <u>116</u> :148-153 (1998)
		Paling, D., Warp Knitting Technology, pp. 1-3 (1952).
		Revista Española de Cardiología, Vol. 51, No. 7, Abstract in English (July 1998)
		Vaynblat et al., "Cardiac Binding in Experimental Heart Failure," <u>Ann. Thorac. Surg.</u> , <u>64</u> :81-85 (1997)
		Vaynblat et al., "Cardiac Binding in Experimental Heart Failure," Abstract in Supplement to <u>Circulation</u> <u>92</u> (8):1810 (October 15, 1995).

**34379**

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	